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**BOARD OF COUNTY COMMISSIONERS MEETING**  
**YELLOWSTONE COUNTY, MONTANA**  
**June 14, 2016**

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**SUBJECT:** Westfield Warehouses Amended—Major Subdivision for  
Condominium Development  
**THROUGH:** Candi Millar, AICP, Planning Director  
**PRESENTED BY:** Dave Green, Planner II

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**INTRODUCTION**

On April 1, 2016, the Planning Division received an application for review and preliminary approval of a 26-unit condominium subdivision on Lots 6 and 7, Block 4, West King Commercial Park Subdivision. The property is located on the west side of Black Hawk Street north of King Avenue West, between South 64<sup>th</sup> Street West and South 72<sup>nd</sup> Street West. The property is not within the County zoning jurisdiction and condominium development was not originally contemplated with the subdivision, therefore, in accordance with Chapter 8 of the County Subdivision Regulations, this condominium development must be reviewed as a Major Subdivision. The Planning Board conducted a public hearing on this subdivision on May 24 and forwarded a recommendation of conditional approval of the project.

**PROCEDURAL HISTORY**

- A pre-application meeting was held on March 31, 2016 for this proposal. It was determined that this is a major subdivision for condominium use which follows the major subdivision review process.
- The preliminary plat application was submitted to the Planning Division on April 1, 2016.
- A Department Review Meeting was held on April 14, 2015, on this plat application.
- The Yellowstone County Board of Planning conducted a plat review for this application at its May 10, 2016, meeting.
- The Yellowstone County Board of Planning conducted a public hearing on this application at its meeting on May 24, 2016.
- The Yellowstone County Board of County Commissioners will be considering the application at its regular meeting on June 14, 2016.

**VARIANCE REQUESTED**

No variances were requested.

**PUBLIC HEARING DISCUSSION**

The Yellowstone County Board of Planning conducted a public hearing on this application at its meeting on May 24, 2016. Staff gave a brief presentation to the Planning Board about the proposed subdivision for condominiums. There were no questions from the Board concerning this proposed development. The public hearing was opened and no one stood to speak about the proposed development. The public hearing was closed.

A motion was made to forward a recommendation of conditional approval to the Board of County Commissioners and it was seconded. The Planning Board unanimously voted in favor of the motion.

### **RECOMMENDATION**

The Planning Board recommends that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of the Westfield Warehouses, Amended, and adopt the Findings of Fact as presented in the staff report.

### **PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on public health and safety, prior to final plat approval the subdivider shall receive approval from the MDEQ / RiverStone Health for the proposed cisterns, septic systems, and storm water management on the site.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

## **FINDINGS OF FACT**

The City/County Planning staff has prepared the Findings of Fact on behalf of the Planning Board to forward to the Board of County Commissioners for the preliminary plat of Westfield Warehouses Amended. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

**A. What are the effects on agriculture and agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety? (76-3-608(3)(a), MCA) (Section 3.2.H.2., YCSR)**

**1. Effect on agriculture and agricultural water user facilities**

The Big Ditch and Birely Drain are located north of the subject property and are outside the West King Commercial Park Subdivision. There are no water rights with the subject property.

**2. Effect on local services**

**a. Utilities** – Cisterns are proposed for this subdivision along with septic facilities. Any proposed onsite water and septic systems must comply with the State of Montana Department of Environmental Quality (MDEQ). Preliminary water and sanitation information has been submitted for review by RiverStone Health and MDEQ. **(Condition #1)**

MDU and Yellowstone Valley Electric Cooperative will provide gas and electrical utilities as necessary. There is an existing 10 foot wide utility easement where the utility companies can run services to provide utilities to the subject property.

**b. Storm water** – Storm water will be retained onsite and will be in compliance with Section 4.7, YCSR. A storm water management plan will be submitted and approved by MDEQ prior to final plat approval. **(Condition #1)**

**c. Solid Waste** – Solid waste disposal will be provided through a private hauler. The Billings landfill has the capacity to accommodate waste from this subdivision.

**d. Streets** – Access to the subdivision is from Black Hawk Street which is off of King Avenue West, no additional street right-of-way is necessary. Black Hawk Street is built to County Road Standards with a 24 foot asphalt top and 2 foot gravel shoulders on each side. It is in a 70 foot right of way with drainage ditches on both sides. There is an existing RSID-M for this road and it will be expanded to include the proposed condominiums with this application. Any culvert installed in the drainage swale will be a minimum of 15 inches in diameter. In the summer of 2015, West King Commercial Park Subdivision

completed the internal street on the north, Western Way, which provides 2 entry/exit points from the subdivision, one on King Avenue West and one to South 64th Street West.

- e. **Emergency Services** – The subject property is within the jurisdiction of the Billings Urban Fire Service Area (BUFSA) and the Yellowstone County Sheriff's Department. The two main concerns of the fire department are having adequate access to any structures and an adequate water supply for fighting fires. The proposed condos will be serviced by an internal drive access that will be a minimum of 30 feet in width and constructed to meet the fire department needs. Also, in accordance with Section 4.14.C. of the County Subdivision Regulations, which describes requirements for fire suppression facilities for commercial subdivisions, the existing subdivision, West King Commercial Park, has an existing 30,000 gallon underground storage tank and dry hydrant system in the subdivision within 1,400 driving feet of Lots 6 and 7. There is also another 30,000 gallon dry hydrant system within ½ driving mile to the west on Lohwest Lane. West King Commercial Park has an existing RSID-M in place for the dry hydrant in the subdivision and it will be expanded to include the condominiums proposed with this application.

The Sheriff's Department will provide law enforcement services for the subdivision and does not have any concerns.

- f. **Mail Delivery** - The United States Postal Service will service the new lots. A centralized mail delivery area is proposed and will be approved by the USPS before installation.

**3. Effects on the natural environment**

No alteration of any stream will occur with this subdivision.

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. In accordance with state law, the developer has a weed control plan in place with the County Weed Department and will revise the weed control plan recommendations based on required site visits. The Weed Control Plan was approved April 19, 2016.

There are no apparent or known natural hazards on the property.

**4. Effects on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. Montana Fish, Wildlife and Parks (FWP) was provided information about the proposed subdivision and indicated that they had no concerns with the proposed development.

**5. Effects on public health and safety**

There are no known manmade public safety hazards that would affect this subdivision. Plans and designs for wells and septic systems will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed subdivision, including a water supply for firefighting purposes. There is an existing 30,000 gallon dry hydrant system in place within the West King Commercial Park Subdivision.

**B. Was an Environmental Assessment required? (76-3-603, MCA)(Section 9.2.C.1, YCSR)**

An environmental assessment was not required for this subdivision as per Section 9.2.C.1., YCSR. A Summary of Probable Impacts was provided. No major issues were identified.

**C. Conformance with the Yellowstone County – City of Billings 2008 Growth Policy Update, the 2011 Billings Area Bikeway and Trail Master Plan, and the Billings Urban Area Transportation Plan 2009 Update (Section 3.2.H.4., YCSR)**

**1. Yellowstone County – City of Billings 2008 Growth Policy Update**

**The proposed subdivision is consistent with the following goals of the growth policy:**

- Goal: Controlled weed populations. (p. 9)  
*The developer has an existing weed control plan and will modify it as needed based on required site visits by the County Weed Department.*
- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)  
*The proposed subdivision is not within the County zoning jurisdiction. It is located in an area of the county that has a mix of agricultural, residential and commercial uses. The West King Commercial Park Subdivision and the subdivision directly to the west of the subject property are both developed for commercial uses. Therefore, it is consistent with the neighborhood character in this area.*
- Goal: More housing and business choices within each neighborhood (p.6).  
*The proposed subdivision would allow for additional business development at this location.*

**2. 2001 West Billings Plan**

The West Billings Plan identifies commercial nodes at intersections of arterial streets at a distance of not less than 2 miles apart. This is to establish development

patterns that use land more efficiently and reduce the possibility of ‘strip’ development along arterial streets.

*PG1.B.2 Limit community commercial centers to appropriate intersections of arterial streets and spaced no less than approximately two miles apart. Community commercial centers should be compatible with the surrounding area and designed to serve the overall West Billings community unless otherwise approved by the governing bodies.*

**3. Billings Urban Area Transportation Plan 2014**

King Avenue West is classified as a major arterial street and is expected to handle the additional traffic generated by this commercial subdivision. No additional right-of-way is required from this subdivision. The proposed subdivision maintains the street hierarchy defined in the Transportation Plan.

**4. Billings Area Bikeway and Trail Master Plan**

The subdivision does not have any bike trails identified internally and the Plan does not identify a future bike lane along King Avenue West in this location. The nearest on-street bikeway is identified on South 64th Street West. Currently there are no bike lanes, or even shoulders, on South 64th St. West, but these facilities may be constructed when future upgrades to the road are made. A waiver of right to protest future RSID’s for street improvements is being signed and recorded with this subdivision.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? (76-3-608(3)(b), MCA) (Section 3.2.H.3.a., YCSR)**

The subdivision, with the proposed conditions, satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in the Yellowstone County Subdivision Regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

**E. Does the proposed subdivision conform to all requirements of the zoning in effect? (Section 3.2.H.3.e., YCSR)**

The subject property is outside of the County zoning jurisdiction.

**F. Does the proposed plat provide easements for the location and installation of any utilities? (76-3-608(3)(c), MCA) (Section 3.2.H.3.b., YCSR)**

Utility easements have been provided on the face of the plat for both electric and natural gas, as requested by MDU and YVEC.

**G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? (76-3-608(3)(d), MCA) Section 3.2.H.3.c., YCSR)**

Access to the subdivision lots will be from Black Hawk Street and Western Way that connect to King Avenue West and to South 64<sup>th</sup> Street West.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Westfield Warehouses, Amended, does not create any adverse impacts that warrant denial of the subdivision.
- With the proposed conditions, Westfield Warehouses, Amended, is in compliance with the Montana Subdivision and Platting Act and the Yellowstone County Subdivision Regulations.
- New water and wastewater facilities will be approved through the Montana Department of Environmental Quality.